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Office-Suprowe Court, U. S.

United States

OCTOBER TERM, 1951



CHARLES AUGUSTUS DIXON,

Petitioner,

VS.

CLINTON T. DUFFY, Warden, San Quentin Prison,

Respondent.

On Writ of Certiorari to the Supreme Court of the State of California.

BRIEF FOR RESPONDENT.

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Summary of the argument)
) .
1. It not appearing that the state court passed upon a federal question when it denied petitioner's application for a writ of habeas corpus, this court cannot review the state court's action by certiorari)
(a) In California a collateral attack on the final judgment of a nisi prius court by way of habeas corpus cannot be used as a substitute for an appeal).
(b) The petition for the writ of habeas corpus was in- sufficient under California law	5
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3. A state as well as the federal government may de- nounce the counterfeiting of federal obligations 17	7
4. A ruling by a federal nisi prius court excluding evidence is not controlling in another cause pending in a state court	
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Table of Authorities Cited

	Cases Pa
	Abbott v. Cooper, 218 Cal. 425
	Bell, In re, 19 Cal. (2d) 488
	Brinegar V. United States, 338 U. S. 160
	Coastwise Lumber and Supply Co. v. U. S. (1919), 259 Fed.
	Cogen v. U. S. (1929), 278 U.S. 221, 73 L. Ed. 282, 49 S.
	Ct. 120
	Ellias v. Pasmore (K.B. 1934, Vol. 2)
	Entick v. Carrington, 19 How. State Trials 103026
	Foley v. U. S. (1933), 64 Fed. (2d) 1
	Fox v. Ohio, 46 U. S. (5 How.) 410, 12 L. Ed. 213
	Goto v. Lane, 265 U. S. 393,
	Harris v. United States, 331 U. S. 144
	Herbert v. Louisiana, 272 U. S. 212
,	Herter v. U. S. (1929), 33 Fed. (2d) 402
	Leach Money, 19 How, State Trials 1002
	Martin v. Superior Court, 176 Cal. 289
	McVickers, In re, 29 Cal. (2d) 264
	Nardoné v. U. S., 308 U.S. 338, 60 S. Ct. 266, 84 L. Ed. 307.
6	People v. Adamson, 34 Cal. (2d) 320
	People v. Defore, 242 N. Y. 13
	People v. Gonzales, 20 Cal. (2d) 165
	People v. Grosofsky, 73 Cal. App. (2d) 15, 165 P. (2d) 157.
	People v. Mayen, 188 Cal. 237
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	People'v. Rochin, 101 Cal. App. (2d) 140